

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** PCB VMAS 13-01 Voter Registration  
**SPONSOR(S):** Veteran & Military Affairs Subcommittee  
**TIED BILLS:** **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Veteran & Military Affairs Subcommittee		Thompson	De La Paz

### SUMMARY ANALYSIS

Currently in Florida, in order to be eligible to vote, a voter registration application must be received or postmarked 29 days prior to an election. However, an exception is provided for an individual or accompanying family member who has been discharged or separated from the uniformed services, Merchant Marine, or employment outside the territorial limits of the United States. Qualified applicants may late register at their local supervisor of elections office until 5 p.m. on the Friday before the election. This exception, however, does not include active military personnel or their accompanying family members returning from a deployment who have not been "discharged or separated."

The PCB expands the criteria for late voter registration to also include persons who have returned from a military deployment or activation.

The PCB is not expected to have a significant fiscal impact.

The PCB provides an effective date of July 1, 2013.

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### **Voter Registration**

Florida law requires that in order to be eligible to vote, a person must be:

- At least 18 years of age;
- A citizen of the United States;
- A legal resident of the State of Florida;
- A legal resident of the county in which that person seeks to be registered; and
- Registered to vote pursuant to the Florida Election Code.<sup>1</sup>

A person who has been adjudicated mentally incompetent or a person who has been convicted of a felony may not vote until his or her right to vote has been legally restored.<sup>2</sup>

Applicants are required to mail or hand deliver a voter registration application to either their county Supervisor of Elections' office, the Florida Division of Elections, a driver's license office, a voter registration agency,<sup>3</sup> or an armed forces recruitment office.<sup>4</sup> In addition, third-party registration organizations<sup>5</sup> are authorized to collect and deliver applications.<sup>6</sup>

An application is considered complete and official when the applicant's required information<sup>7</sup> is received and verified by a voter registration official.<sup>8</sup> Such officials may be a supervisor of elections or an individual authorized by the Secretary of State.<sup>9</sup>

In order to be eligible to vote, a completed application must be received or postmarked prior to the registration book closing for an election. The book closing must occur 29 days prior to an election and remain closed until after the election.<sup>10</sup>

#### **Late Registration**

Current law authorizes certain people to register late to vote (after the book closing date). An individual or accompanying family member who has been discharged or separated from the uniformed services, Merchant Marine, or employment outside the territorial limits of the United States, who shows sufficient documentation, may register at their local supervisor of elections office until 5 p.m. on the Friday before the election. This exception applies only to an individual or accompanying family member who has

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<sup>1</sup> Section 97.041(1)(a), F.S.

<sup>2</sup> Section 97.041(2), F.S.

<sup>3</sup> Section 97.021(41), F.S., defines "voter registration agency" as any office that provides public assistance or serves persons with disabilities, a center for independent living, or a public library.

<sup>4</sup> Section 97.053(1), F.S.

<sup>5</sup> Section 97.021(37), F.S., defines "third-party registration organization" as any person, entity, or organization soliciting or collecting voter registration applications. A third-party voter registration organization does not include: (a) A person who seeks only to register to vote or collect voter registration applications from that person's spouse, child, or parent; or (b) A person engaged in registering to vote or collecting voter registration applications as an employee or agent of the division, supervisor of elections, Department of Highway Safety and Motor Vehicles, or a voter registration agency.

<sup>6</sup> Section 97.0575, F.S.

<sup>7</sup> Section 97.052(2), F.S., provides that the uniform statewide voter registration application must be designed to elicit several pieces of information, including: name; date of birth; address; county of residence; race or ethnicity; state or country of birth; sex; party affiliation; if applicant needs voting assistance; name and address where late registered; last four digits of social security number; Florida driver's license number or number from Florida identification card; indication of non-issuance of Florida driver's license, identification card, or social security number; telephone number (optional); signature; if application is an initial, update, or replacement; U.S. citizenship; felony conviction; and mental capacity.

<sup>8</sup> Section 97.053(2), F.S.

<sup>9</sup> Section 97.021(42), F.S.

<sup>10</sup> Section 97.055, F.S.

been “discharged or separated.” As a consequence, an active military person who has returned from a deployment or activation, who is not “discharged or separated,” is currently not authorized to register late to vote.

### **Proposed Changes**

The PCB expands the criteria for late voter registration to include individuals or accompanying family members who have returned from a military deployment or activation.

#### **B. SECTION DIRECTORY:**

Section 1. Amends s. 97.0555, F.S., relating to late registration.

Section 2. Provides an effective date of July 1, 2013.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

#### **A. FISCAL IMPACT ON STATE GOVERNMENT:**

1. Revenues:

None.

2. Expenditures:

None.

#### **B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues:

None.

2. Expenditures:

Depending on the number of returning active military personnel and their accompanying family members in a given election cycle, the bill will likely affect a small number of people and have an insignificant impact on the supervisors of elections offices affected.<sup>11</sup>

#### **C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

None.

#### **D. FISCAL COMMENTS:**

None.

## **III. COMMENTS**

#### **A. CONSTITUTIONAL ISSUES:**

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<sup>11</sup> Telephone conversation with Ron Labowski, Florida State Association of Supervisors of Elections, February 11, 2013 (on file with the House Veteran & Military Affairs Subcommittee).

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditures of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**